UNITED STATES PATENT AND TRADEMARK OFFICE

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09/260,802	03/02/1999	STEVEN M. HOFFBERG	3459-11	6940

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MILDE & HOFFBERG, LLP	HARTMAN JR, RONALD D	
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SUITE 460	ART UNIT	PAPER NUMBER
WHITE PLAINS, NY 10606	2121	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/260,802	HOFFBERG ET AL.
	Examiner	Art Unit	
	Ronald D. Hartman Jr.	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 June 2005</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>35-65 and 113-160</u> is/are pending in the application.

    4a) Of the above claim(s) <u>120 and 121</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>35-39,64,65,113-119,122-125 and 128-160</u> is/are rejected.

7) ☒ Claim(s) <u>60-63,126 and 127</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

The applicant has presented two claims being numbered 146. The second claim 146 on page of the amendment has been renumbered as 147 and the remainder of the claims on pages 42 and 43 have been renumbered accordingly, in accordance with Rule 126.

Claim Interpretations

2.   The following is a list of claimed terms that could not be found in the originally specification. An explanation is also provided for how each term is being interpreted.

As per all of the claims (35-65, 113-119 and 122-160), the examiner cannot find the claimed terms *"persistently"* in the specification, as originally filed, and therefore the examiner has interpreted this feature in light of the Merriam Webster's Collegiate Dictionary, 10th Edition, as being something which exists continually and its more importantly clearly inherent to a computer based user profile of user specific preferences.

As per all of the claims (35-65, 113-119 and 122-160), *"media content records"* is not found within the context of the originally filed application and therefore this term must be interpreted in light of what *is* actually disclosed. Therefore, the examiner has interpreted this term as being a feature equivalent to any media type (e.g. text, audio, video or any combination of thereof) since one of ordinary skill in the art would not know that the currently claimed media content records refers to any particular media type.

As per claims 35, 40, 47 and 55, the term *"degree"* is being used in a manner inconsistent with the originally specification. That is, when reviewing patented claim 8 of the application to which this application claims priority, including the relevant passages of the specification as originally filed, the term *"degree"* is only used within the context of the user making a selection, that is the *"degree"* being representative of a user selection. However, the current claim appears to shift the responsibility for determining this *"degree"* from the user to an automated capability of the system, that is, it appears that the system now determines this *"degree of relation"*, wherein the originally specification discloses the user reflecting this degree of relation by making actual selections.

Also, claims 35, 40, 47 and 55 provide for this *"degree"* to be presented and arranged according to the degree of relation. Since the degree is, as the applicants has originally disclosed, based on the selection of the user, this selection being representative of the *"degree of relation"*, the presentation must be related to the selection, or in response thereof, and this is how the examiner has interpreted this feature.

As per claims 36-37, the examiner cannot find the claimed term *"ranking"* in the specification as originally filed. The Merriam Webster's dictionary has been used to interpret this word (hereinafter: The dictionary).

As per claim 156, the examiner cannot find any specific reference to the claimed term *"common physical storage medium"* in the specification as originally filed. The examiner has interpreted this feature to be equivalent to any type of storage means by which data is stored.

As per claims 36 and 41-42, the examiner can find no particular reference to *"rankings"*, as already explained above, nor a feature wherein a presentation is

displayed, wherein the presentation is made with *"an indication of the rankings"*, in the specification as originally filed. The term *"rankings"* has been interpreted in light of the dictionary.

As per claim 41, the examiner can find no particular reference to an *"unstructured database"* in the specification as originally disclosed. It has been interpreted to be the equivalent of a collection of files which are referenced and are retrieved and which are collected in some manner based on the user's preferences.

As per the claims to which the use of *"customer"* pertains, the examiner can find no particular reference to *"a customer profile"* as the word *"customer"* does not appear anywhere in the specification as originally filed. The dictionary has been used to interpret this term, and it has been interpreted to be an individual with certain defined traits.

As per claim 51, the examiner can find no particular reference to the use of the claimed word *"eligible"* in the application as originally filed. There is no way to determine what is meant by the term from the application as originally filed, and therefore this term has been interpreted to be the functional equivalent of any user of the system.

As per claims 51-52, the examiner can find no particular reference to a feature wherein the updating of the user or customer profile occurs "**without input from the user or customer**". It seems counterintuitive since the claims goes on to state that the user provides an input by "accessing data sources" and therefore the examiner is confused at to what is attempting to be claimed. Needless to say, it would seem that Newspace" disclosed prediction capabilities and/or the fact that the user or customer profile is updated using a computer controlled program would both cover this feature as it shows the user is not directly changing their user profile, but rather, their profile is being updated based on their actions.

As per claims 59-60, the examiner can find no particular reference to *"a video head end" (claim 60) and "without input from the customer" (claims 59-60).* The video head end will be interpreted to be a VCR. The explanation from claims 51-52, from above, is applied equally herein.

As per claim 64, the examiner can find no specific reference to a *"means for selecting different customer profiles which correspond to the recipient identity information in accordance* <u>*with the time of day and day of the week".*</u>

As per claims 125-127, the examiner can find no particular reference to a *"set top terminal"*, a term well known in the art used to describe a box which allows signals to be filtered by a particular house on a communication network. Most notably and more importantly, its reference is used in the cable industry to describe a cable top box which is usually placed on the TV set itself, hence the name "set top" box or terminal. The applicant only mentions the use of a VCR, and therefore the examiner will interpret the set top terminal to be generally a hardware device.

Furthermore, as per claim 127, the examiner can find no particular reference to the majority of the claimed features, that is, *"means for transforming a history of programs watched into preferred program indicators"*, *"prioritizing scheduled programs from highest to lowest"*, *"indicating programs having a relatively higher weight"*, and *"wherein all other programs are excluded from program suggestion"*. Therefore, the examiner would kindly ask the applicant to specifically point out where each feature is explicitly described in the original specification as being a function of the system disclosed thereof.

As per claim 142, the originally specification does not use the term *"genre"*. The dictionary has been used to interpret this term.

As per claims 146-148, the examiner has no idea what is meant by *"characteristics of an option".* The examiner has interpreted the "option" to be the equivalent to different ways of describing the same story. As the article states, a particular news event may be preferred by different people for different reasons, and therefore, based on the user profile, and the content of the media, in this case the news, the same story may be personalized differently for different users, and this appears, as best understood by the examiner, to be consistent with the features claimed by way of pending claims 146-148. In short, the option appears to be equivalent to the news stories and characteristics associated therewith.

As per claim 156, the examiner cannot find any specific reference to the claimed term *"common physical storage medium"* in the specification as originally filed. The examiner has interpreted this feature to be equivalent to any type of storage means by which data is stored.

With regards to the claims having the above noted terms, the effective filing date for those claims is considered to be the filing date of 09/260,802, which is March 2, 1999. If support cannot be established, then this application may be treated as a Request for Continued Examination that is requesting Continuation-In-Part status. See MPEP 706.07(h)(VII).

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 159 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 159 refers to "said characterization information", but this feature was not previously mentioned with regards to either dependent claim 159 or independent claim 35.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 35-39, 47-59, 115-117, 122, 128-130, 134, 140-144 and 147-160 are rejected under 35 U.S.C. 102(a) as being anticipated by Newspace: Mass Media and Personal Computing, by Bender et al.

As per claim 35, Newspace teaches an apparatus comprising:

-       means for persistently storing a user-specific profile (e.g. utilizing a dynamic user model; Abstract and Section 1.3);

-       means for determining a relation of a content of media content records with a stored user-specific profile (e.g. utilizing a gradient descent method for determining what articles, wherein the articles correspond to the claimed media content records, should be presented to a particular user; Figure 1 and Section 3.3);

-       means for presenting identifications of the media content records, arranged in dependence on a degree of the determined relation, for selection therefrom by the user (e.g. displaying the articles, based on relevance or priority, on the display screen of the user's computer terminal; Figure 1 and Section 5.6 and Figure 3);

-       means for receiving feedback from the user on the presentation (e.g. Figure 1); and

-       means for updating the persistent user-specific profile based on the feedback (e.g. corresponds to a dynamic user model and Figure 1).

As per claim 36, Newspace also teaches:

- the apparatus being an information access system for presenting users with information of interest (e.g. Information Retrieval System; Section 5.2, "IR");

- further comprising content records storing means comprising a computer system containing a database of information items available to be presented to users of the system (e.g. Abstract, "stored in a database"; and Section 2.4); and

- further comprising accessing means comprising at least one access device for enabling users to communicate with the computer system and access a media content record (e.g. utilizing a mouse or any other input device to move a cursor over articles of interest and to express the relevance of each selected article; Section 5.2, Section 5.3, Section 5.8 and Figure 3);

- wherein the user-specific profile storing means stores a user profile for a plurality of users (e.g. utilizing more than one user model; Section 3.3);

- wherein the relating means comprises a means for ranking a likely degree of agreement of a plurality of the available media content records with a respective user specific profile (e.g. Figure 3);

- wherein the presenting means presents a menu listing identifications of the media content records in order of ranking and enabling a user to retrieve a media content record through the access system (e.g. allowing a user to pick the articles of interest, as a menu is merely a list of options, and clearly the Newspace articles, which are collected and displayed, are a list of options, or articles, available to the user);

- wherein the feedback receiving means comprises a means for enabling the user to indicate the users preference for a retrieved media content record, and wherein the updating means comprises a means for updating the user-specific profile in response to indications of preference provided by the user (e.g. Figure 1 and Abstract).

As per claim 37, Newspace further teaches:

- the ranking means raking the available items of information based on at least one attribute pertaining to a plurality of media content records (e.g. Section 3.2).

As per claim 38, Newspace further teaches the news articles comprising videos (e.g. Sections 4.0, 4.4 and 4.5).

As per claim 39, Newspace further teaches the ranking means producing a formula which predicts the interest of a user in a media content record based on at least a user profile and an attribute related to the media content record (e.g. Utilizing the Gradient Descent method, Figure 1 and Section 3.3).

As per claim 47, Newspace teaches a method comprising:
-       automatically generating a user profile, representing an interest summary for a respective user, based on a history of access to objects and persistently storing the user profile and persistently storing the profile (e.g. utilizing a dynamic user model; Abstract and Section 1.3);
-       generating a menu of available objects corresponding to the user profile, wherein the menu is arranged on a degree of agreement between the user profile and characterizations of available (e.g. displaying the articles, based on relevance or priority, on the display screen of the user's computer terminal; Figure 1 and Section 5.6 and Figure 3; also, allowing a user to pick the articles of interest, as a menu is merely a list of options, and clearly the Newspace articles, which are collected and displayed, are a list of options, or articles, available to the user); and
-       tracking menu use as a part of the history of access to objects (e.g. allowing a user to pick the articles of interest, as a menu is merely a list of options, and clearly the Newspace articles, which are collected and displayed, are a list of options, or articles, available to the user).

As per claim 48, Newspace further teaches providing a user with access to selected target objects and sets of target object characteristics that are accessible via an electronic storage media, where said user is connected via user terminals and data communication connections to a target server system which accesses the electronic storage media, wherein a target profile interest summary is automatically generated for

a user of the terminal, each of the target profiles being indicative of one of target objects or target object characteristics accessed by the user; and the step of storing comprises storing the user profile in memory are all features adequately taught or suggested by the Newspace article (e.g. Figure 5).

As per claim 49, all of the features are anticipated by the functions and or capabilities as described by the Newspace article and the citations already provided in claim 47 since all of the claimed features appear to be capabilities that the Newspace article must possess. Briefly, once again, a correlation of a user profile to media content is performed, a presentation of correlated content is performed, a user selection is then performed, the user selection adaptively teaches the system behaviors of the user, and then the system then alters the user profile to provide the user with content more suitable or adapted to the person associated with the user profile.

As per claims 50-54, Newspace does not specifically teach a "customer", much the same as the applicant does not. Therefore, since it an individual that is using the system, this individual is considered to be the same as the customer disclosed by the applicant.

As per claims 51and 54, Newspace further teaches:
-       creating profiles for a plurality of data sources, said content profiles indicating a degree of content of predetermined characteristics in data from a respective data source (e.g. creating a user profile which is compared with data streams from several different sources for collecting information with content that the user will like);
-       creating at least one customer profile for an eligible recipient of data, the customer profile indicating a customer's preference for data having predetermined characteristics (e.g. already described above);
-       monitoring which data sources are actually accessed by a recipient (e.g. using a computer to monitor what the user selects as desirable and then alters the user profile to "fine tune" it); and

-       updating, without input from a customer, a respective customer profile in accordance with the content profiles of the data sources actually accessed by that customer to automatically update the customer's actual preferences for the predetermined characteristics (e.g. Figure 5).

As per claims 52, Newspace teaches the use of video programs in addition to text based news articles (e.g. Abstract and Section 4.4. and 4.6).

·   As per claim 53, the rejection of claim 40 is applied equally herein.

As per claim 55, the rejection of claims 35 and 47 are applied equally herein. Furthermore, as per claim 55, an "output port" appears to be a feature the system disclosed by Newspace would have to possess in order to perform as disclosed. That is, a "port", a feature used as a communication conduit must be present in order for information to transmitted and displayed, as disclosed, and therefore its inclusion into Newspace is inherent to the system disclosed by Newspace.

As per claim 56, the rejection of claim 48 is applied equally herein.

As per claim 57, the rejection of claim 49 is applied equally herein.

As per claim 58, the rejection of claim 55, from above, is applied equally herein. It is noted that this claim is being rejected under 103 (a) due to its inclusion of the "customer". Therefore, this claim is also rejected using the same rational as already presented with regards to pending claim 50, and therefore this rejection is applied equally herein.

As per claim 59, all of the claimed features are believed to be adequately contemplated by the disclosure of Newspace, in addition to the rejection of claims 51 and 54, and therefore this rejection, from above, is applied equally herein.

As per claims 115-117, the rejections of claims 35 and 47, from above, are applied equally herein.

As per claim 122, Newspace teaches a source of program material (e.g. "sources"; Section 2.0).

As per claim 128, the rejections of claims 35 and 47 are applied equally herein. Furthermore, as per claim 128, a processor is believed to be inherent to the use of a computer.

As per claim 129, Newspace teaches media databases (e.g. Abstract and Figure 5).

As per claim 130, Newspace adequately teaches the utilization of a GUI (e.g. Figures 3-4) and a pointing device (e.g. Section 5.8, "move the pointer").
As per claim 134, Newspace teaches a catalog of available option (e.g. many articles to choose from; Figures 3-4 and 5).

As per claim 140, Newspace teaches eight options (e.g. Figure 3; 8 articles are presented).

As per claim 141, Newspace teaches the computer (i.e. wherein a processor is inherent to a computer's use) which adapts to the user (e.g. via feedback, or user selections of specific types of media, Figure 5 and Section 5.8).

As per claim 142, Newspace teaches genres (e.g. news categories; Section 5.1 and Section 3.0).

As per claim 143, a correlation mechanism (i.e. correlator) is inherent to the Newspace since there must be some sort of way to correlate the content of the media to

the preferences of the user. This concept, and therefore feature, is inherent to Newspace.

As per claim 144, Newspace teaches a buffer for storing received media prior to a decision as to whether the media should be stored (e.g. utilizing pointers to information stored in local and or remote databases; Abstract and Section 2.4).

As per claim 147, Newspace teaches semantic characteristics (e.g. text; Section 1.1).

As per claim 148, Newspace teaches a serialized presentation (e.g. Figures 3-4).

As per claim 149, Newspace teaches the utilization of remote databases (e.g. Abstract).

As per claim 150, Newspace teaches perform a plurality of functions on separate options simultaneously, wherein each function comprises processing a time-continuous stream of information (e.g. the news from multiple sources; Figure 5 and Section 2.1).

As per claim 151, Newspace teaches predictions (e.g. Section 1.3 and 3.1).

As per claim 152, Newspace teaches the processor working in a time dependent manner (e.g. schedules, Section 3.0).

As per claim 153, a clock being synchronized is inherent to communicating with a remote system, since if no synchronization occurs, the processor could not communicate with the remote system (i.e. remote databases).

As per claim 154, Newspace teaches speech recognition (e.g. Sections 2.2-2.3).

As per claim 155, Newspace teaches broadcast media being received from a remote database (e.g. Abstract).

As per claim 156, Newspace teaches monitoring real time information (e.g. the news; Figure 5).

As per claim 157, Newspace further teaches storing a plurality of content records in a common physical storage medium (e.g. Abstract).

As per claim 158, Newspace further teaches the storing means for recording and reproducing items under control of the user (e.g. Section 3.0).

As per claim 159, Newspace further teaches inferred user preferences (e.g. Abstract).

As per claim 160, Newspace further teaches the characterizations of content (e.g. Abstract).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 40-46, 113-114, 118-119, 123-125, 133,135-139 and 145-146 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newspace: Mass Media and Personal Computing, by Bender et al.

As per claim 40, the rejection of claims 35 and 47, from above, are applied equally herein.

Furthermore, as per claim 40, although Newspace does not specifically teach receiving identity information in order to determine which profile to update in the updating step, it is a feature that would be obvious in order that the correct user is identified and so that the system provides data to the proper person, and so that a user does not access another users profile without authorization, in order to provide a more secure information retrieval means, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

As per claim 41, the rejections of 49, 51 and 54 are applied equally herein.

As per claim 42, Newspace teaches displaying items in order of their ranking (e.g. articles "float up" based on their determined "priorities"; Figure 3).

As per claims 43-44, Newspace teaches attributes associated with items of information (e.g. stress levels, sources, content topics and content categories).

As per claim 45, Newspace teaches a user selection feature (e.g. Figure 5).

As per claim 46, Newspace teaches a likely degree of interest being determined for all items of information stored in a database in response to a user access request (e.g. prediction or guessing what the user will like; Abstract and Figure 5).

As per claims 64-65, the rejection of claims 40 and 59, from above, is applied equally herein.

Furthermore, the incorporation of a feature, "means for selecting different profiles ... in accordance with the time of day and day of the week" is a feature adequately suggested by Newspace since Newspace discloses scheduling "recommended content" presentations based on the needs and or desires of the user (e.g. Abstract). Also, a

"display guide" and electronic program guide" appear to equate to Newspace's disclosure of the display screen showing the collected headlines (e.g. Figures 1 and 3-4), representative of selected content, for several different articles, concurrently.

As per claim 113, Newspace, as previously mentioned, teaches presenting program material (e.g. news content) to a viewer (e.g. user) (e.g. Figure 5).

As per claim 114, Newspace, as previously mentioned, teaches updating a user profile (e.g. Abstract and Figure 5).

As per claim 123, the rejection of claim 52, from above, is applied equally herein, wherein the "time continuous media program" is viewed to be the same as "multimedia" or "video".

As per claim 124, a hardware device for storing the user profile is inherent to Newspace. Furthermore, Newspace also teaches a GUI (e.g. Figures 3-4).

As per claims 118-119, the rejection of claim 50, from above, is applied equally herein. In addition, the rejection of claims 35 and 47 are also applied equally herein.

As per claim 125, Newspace teaches video news being obtained by the collection system (e.g. Section 4.6).

As per claim 133, the rejection of claim 128, from above, is applied equally herein. Furthermore, the rejection of claim 40 is also applied equally herein.

As per claims 137-139, the rejection of claim 50 is equally applied herein.

As per claims 145-146, the use of both a discrete cosine transform function and a wavelet function, for analyzing image data, are both features that are obvious to pattern

recognition, that is, they are most often used in signal and image processing, and therefore since Newspace teaches the use of graphics libraries, a way of archiving the graphics must be present and would most easily be accomplished by utilizing known image analysis techniques which would include image data processing using cosine transform function and wavelet function, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

6.   Claims 131-132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newspace: Mass Media and Personal Computing, by Bender et al., in view of Tsakiris, U.S. Patent No. 5,204,768.

As per claims 131-132, Newspace does not specifically teach a remote control having a display for operating a computing system.

Tsakiris teaches a remote controlled electronic presentation system in which a remote controller, complete with display, is capable of remote controlling and displaying information related to the operation of the computer (e.g. Figure 1 and Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Tsakiris into the system disclosed by Newspace so that the user would have the ability to view the presentations remotely, and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

7.   As per claims 135 and 136, Official Notice is taken with respect to the use of serial copy management as its use within transmitting information that needs to be secure, for whatever reason, and since the user obviously would not want his her identity, and preferences in association thereof, to be freely distributed to whoever knows, encrypting information would provide the easiest methodology of preventing an unauthorized user to access information about another user, and therefore the inclusion of a security feature, such as encryption and decryption, are both features that would obviously benefit the Newspace system since it would provide for a way to allow data to be collected secretively, and this would obviously benefit Newspace since a user would

obviously not want his/private information shared with anyone who wishes to know, and therefore it inclusion would have been obvious at the time the invention was made.

Allowable Subject Matter

8.   Claims 60-66 and 126-127 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claims 60-63, specifically dependent claim 60, based on the examiners interpretation that the claimed "video head end" is the equivalent of the applicants disclosed VCR, the prior art fails to teach the recommendation system, as taught by Newspace, for the purpose of interactive programming of a VCR, in combination with the other claimed features and or limitations as claimed.

As per claims 126-127, the prior art of record fails to teaches a set top terminal (VCR) used in a television delivery system, wherein program categories are weighted and prioritized and wherein indicators associated with programs meeting a specific threshold weight are presented, but all other programs are excluded from program suggestion, in combination with the other claimed features and or limitations as claimed.

As per claims 64-65, the prior art of record fails to teach or adequately suggest a means for selecting different profiles ... in accordance with the time of day and day of the week", in combination with the other claimed features and or limitations as claimed.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon-Fri. (first Mon. of bi-week off), 11:15 am – 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.
Patent Examiner
Art Unit 2121

September 19, 2005

Anthony Knight
Supervisory Patent Examiner
Group 3600